

NOVEMBER 26, 2007

ENERGY & ENVIRONMENT COMMITTEE
REPORT NO. 16

ALL MEMBERS PRESENT. CHAIRPERSON MARINELLI PRESENT AS EX-OFFICIO MEMBER.

1. RESOLVED, the following items are hereby received and filed:
- a. COMM. 21E-7 (2007)
COUNTY EXECUTIVE: ECSD No. 2 - Herr Rd., Buffalo Beach & Shorecliff - PS Modification Project - Contract No. 61-PS-A - Change Order No. 1 (5-0)

b. COMM. 21E-19 (2007)
COUNTY EXECUTIVE: ECSD Nos. 1-6 & 8 - User Charge Rates (5-0)

c. COMM. 21E-21 (2007)
COUNTY EXECUTIVE: ECSD No. 3 - Engineer Term Agreement - Work Order: MPI-7 (5-0)

d. COMM. 21E-25 (2007)
COUNTY EXECUTIVE: ECSD No. 3 - Engineer Term Agreement - Work Order GP-2, Legislative Comm. 25E-21 (5-0)
2. COMM. 16E-35 (2007)
COUNTY EXECUTIVE
WHEREAS, the 2008 Assessment Rolls for Erie County Sewer District Nos. 1-6 and 8 describing each lot or parcel of land have been prepared by the Division of Sewerage Management; and

WHEREAS, the Division of Sewerage Management has also assessed the estimate of expenditures and proportioned them to the lots and parcels of land as nearly as may be to the benefit which each lot or parcel will derive therefrom; and

WHEREAS, the Clerk of the Legislature had a Notice of Public Hearing published in the official County newspapers at least five (5) days prior to the date of the Public Hearing which informed the public that the Assessment Rolls would be open for public inspection on and after the first day of October, 2007; and

WHEREAS, said Public Hearing was held in the Chamber of the Erie County Legislature, 92 Franklin Street, 4th Floor, Buffalo, New York, at 1:30 p.m., local time on November 8, 2007 and that all persons desiring to be heard were duly heard and that all objections have been heard and considered; and

WHEREAS, said Assessment Rolls, estimate of expenditures, and Public Hearing were carried out in accordance with Article 5A, Sections 270 and 271 of County Law.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Legislature does hereby affirm and adopt the 2008 Assessment Rolls for Erie County Sewer District Nos. 1, 2, 3, 4, 5, 6 and 8; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send a certified copy of this resolution to the County Executive, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and Thomas J. Whethem, P.E., Deputy Commissioner, Department of Environment & Planning. (5-0)

3. COMM. 17E-7 (2007)
COUNTY EXECUTIVE
WHEREAS, the Erie County Administrative Code permits the procurement of services to make emergency repairs but does not allow for such procurement of engineering services before an actual emergency occurs or without going through a formal Request for Proposal process; and

WHEREAS, the Erie County Department of Environment and Planning through its Division of Sewerage Management has the responsibility to operate and maintain almost one thousand miles of sewers, 100 pumping stations, 5 overflow retention facilities, and 7 sewage treatment plants worth over an estimated \$1 billion, together with the need to construct additional new facilities; and

WHEREAS, due to age and deterioration of the existing facilities, and since the number of problems requiring engineering solutions in the County sewerage systems is rapidly increasing; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has limited resources; and

WHEREAS, the Legislature determines it is not practical to go out for proposals on each and every separate small engineering project; and

WHEREAS, the Division of Sewerage Management has solicited proposals from qualified engineering firms and ranked them in accordance with the Administrative Code; and

WHEREAS, the top five (5) ranked firms desiring to be considered for the work have been recommended to perform engineering services related to the design and construction of Sewerage Facilities for the Erie County Sewer Districts and the Southtowns Sewage Treatment Agency.

NOW, THEREFORE BE IT

RESOLVED, that agreements for engineering services with Wendel Duchscherer, 140 John James Audubon Parkway, Suite 201, Amherst, New York 14228; DiDonato Associates, 689 Main Street, Buffalo, New York 14203; URS Corporation, 77 Goodell Street, Buffalo, New York 14203; Malcolm Pirnie, Inc., 50 Fountain Plaza, Suite 600, Buffalo, New York 14202; and Clough-Harbor and Associates, LLP, 295 Main Street, Suite 900, Buffalo, New York 14203-2509 not to exceed \$300,000.00 each is hereby approved; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute said agreements subject to approval as to form by the County Attorney; and be it further

RESOLVED, that the County Comptroller be authorized to allocate \$300,000.00 for each agreement from any of the Sewer Capital projects in fund 430 or from the Sewer Operating Fund 220 (including business areas 181, 182, 183, and 186, account 516020 (Professional Service Contracts)) as determined by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management, be required to notify the Legislature of each project assigned to an engineering firm under this resolution; and be it further

RESOLVED, that one (1) certified copy of this resolution be sent to Joel A. Giambra, County Executive, and two (2) certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning; and one (1) certified copy each to the County Comptroller; Gregory J. Dudek, Assistant County Attorney; and the County Director of Budget and Management.
(5-0)

4. COMM. 18E-16 (2007)
COUNTY EXECUTIVE

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management needs to retain an Engineer to provide Construction Inspection Services on various projects throughout the County Sewer; and

WHEREAS, the Department of Environment and Planning has recommended the firms of Liro Engineers, Inc., 690 Delaware Avenue, Buffalo, New York 14209 and Greenman-Pedersen, Inc., 4950 Genesee Street, Buffalo, New York, 14225; and

WHEREAS, due to age and deterioration of the existing facilities, and since the number of problems requiring engineering solutions in the County sewerage systems is rapidly increasing; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has limited resources; and

WHEREAS, the Legislature determines it is not practical to go out for proposals on each and every separate small engineering project; and

WHEREAS, the Division of Sewerage Management has solicited proposals from qualified engineering firms and ranked them in accordance with the Administrative Code; and

WHEREAS, the top two (2) ranked firms desiring to be considered for the work have been recommended to perform engineering services related to General Service and Inspection during construction of Sewerage Facilities for the Erie County Sewer Districts.

NOW, THEREFORE, BE IT

RESOLVED, that the engineering firm of Liro Engineers, Inc., and Greenman-Pedersen, Inc., be retained at a cost not to exceed \$200,000.00 each; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Agreement with the firm of Liro Engineers, Inc., 690 Delaware Avenue, Buffalo, New York 14209 and Greenman-Pedersen, Inc., 4950 Genesee Street, Buffalo, New York 14225, to provide the needed Engineering Construction Inspection Services subject to approval as to form by the County Attorney's Office; and be it further

RESOLVED, that the County Comptroller be authorized to allocate \$200,000.00 for each agreement from any of the Sewer Capital projects in fund 430 or from the Sewer Operating Fund 220 (including business areas 181, 182, 183, and 186, account 516020 (Professional Service Contracts)) as determined by the Commissioner of Environment and Planning; and be it further

RESOLVED, that the Department of Environment and Planning, Division of Sewerage Management, be required to notify the Legislature of each project assigned to an Engineering Firm under this resolution; and be further

RESOLVED, that the Clerk of the Legislature be directed to send one (1) certified copy of this resolution to the County Executive; Director of Budget and Management; Erie County Comptroller's Office; Gregory J. Dudek, Assistant County Attorney and two (2) certified copies of this resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning.

THOMAS J. LOUGHRAN
CHAIRPERSON